

Social Security
FILED
 JUN 2 2008
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

Robert E. Nix
 Plaintiff,
 AL FERRANDO
 United States Defendant.

E-filing

Case No.

CV 08

EDL

2757

The above-named plaintiff makes the following representations to this court for the purpose of obtaining judicial review of a decision of the defendant adverse to the plaintiff:

1. The plaintiff (whose Social Security Account No. is [REDACTED] 1098) is a resident of Missoula,
Montana,
 State

2. The plaintiff complains of a decision which adversely affects the plaintiff in whole or in part. The decision has become the final decision of the Secretary for purpose of judicial review and bears the following caption:

In the case of

Robert Nix
 Claimant

Claim for

Restoration of Federal Sovereignty
and uniformity of SSI benefits

Wage Earner

Social Security Number

3. The plaintiff has exhausted administrative remedies in this matter and this court has jurisdiction for judicial review pursuant to 42 U.S.C. 405(g).

WHEREFORE the plaintiff seeks judicial review by this court and the entry of judgment for such relief as may be proper,

including costs.

DATE: 29 MAY 2008

Robert NIX (self-represented)
Attorney for Plaintiff

107 South 3rd St. West
Address
Missoula, Montana 59801

() 713.868.4935
Telephone (messages)

1 ROBERT NIX Secondary Address and Email:
2 107 South 3RD St. West #25 1006 WYNNWOOD DRIVE
3 MISSOULA, MT 59801 HOUSTON, TX 77008
4 email: TOMDIDIT@gmail.com RELEESIX@YAHOO.com

5 UNITED STATES DISTRICT COURT
6 NORTHERN DISTRICT OF CALIFORNIA

7
8)
9) ROBERT E. NIX)
10) Plaintiff/Petitioner)

Case No. _____

11 vs.

Document Name:

12)
13) AL FERRANDO)
14) Defendant/Respondent)

COMPLAINT

CLASS ACTION

NO JURY TRIAL

15 UNITED STATES OF AMERICA
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1 I. Cause of action. Social Security Agent Al Ferrando
2 lied to me about the law, leaving me no choice but to
3 make decisions that resulted in me losing \$317/mo
4 in SSI benefits.

5
6 II. FACTS. I drove to California in early June, 2007 to
7 see doctors at Stanford and to check status of my
8 Section 8 application [Sept. 2001, Bernal Hts., SF],
9 discovering during the roadtrip that my SS and SSI
10 benefits had not arrived into my account. Apparently,
11 Agent Ferrando had mailed 3 notices of case review
12 to a 9-year-old former address for me before he
13 cut off my funds for June '07. He had called my
14 currently-listed phone contact in Santa Cruz to tell me
15 to report to his office, but Mr. Ferrando did not say
16 it was regarding a case review. I went to his
17 office after lunch on 7 June 2007. I was told at
18 the desk to report to the back office. Mr. Ferrando
19 said this is a case review, and he proceeded to
20 ask me a number of questions, some unsettling:
21 "Have you ever been accused of a felony?"
22 I felt stunned and under duress. He seemed to be
23 conducting a legal process with no witnesses.
24 When he told me to sign and swear to my state-
25 ments, I felt like the victim of a squeeze play.
26 He printed out for me a record of the session [see pages
27 8 to 11 evidence attached] which is not an accurate
28 record of the questions he had asked me nor of

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1 the document he made me sign and swear to.

2
3 III. During the session, he had claimed in the
4 course of a thorough conversation that the
5 Permission to Contact Financial Institution para-
6 graph [p. 11] required me to give permission
7 before he would restore my funding. Mr. Ferrando
8 said these things: "...maybe you have something
9 to hide" and "We already have the power to
10 look at your accounts" and "All I want is your
11 bank balance so I can see if you have too much
12 money in it." And by this time my mental
13 anguish made me lie to him about whether
14 I even own a motor vehicle, which I do, and
15 which is registered to me in my secondary name,
16 Bruno Thomas E. di Domenico-Maggiore,
17 which has been the name on my driver's license
18 since 1997 and on my US Passport since 2000.

19
20 IV. I felt confused and trapped, and feared that he
21 might discover that I had ^{been} residing for some time
22 in both Montana and California while awaiting my
23 Section 8 petition in San Francisco to mature.
24 Put on the spot by the surprise interrogation, I had
25 no counsel except my good Agent Ferrando.
26 Finally, he gave me a self-addressed envelope and
27 instructed me to mail to him my bank statements for
28 the past 12 months. AFTER initially leaving Mr.

1 Ferrando's office, I tried to come back to ask
2 him more questions, but he said that he had
3 "no time. I've got more clients coming in."
4

5 V. I skipped going to my doctors or the
6 San Francisco Housing Authority and drove right
7 back to Montana and I declared residency
8 there.
9

10 VI. SHOCKED TO DISCOVER THE MAGNITUDE
11 OF MY income loss, I failed to seek adminis-
12 trative appeal before the small window for that
13 had expired.
14

15 VII INJURY. I eventually figured out that I had been
16 bamboozled by the charming and urbane Mr. Ferrando,
17 who in retrospect seemed to be less an agent of goodwill
18 and righteous expedition of his duties. Prior
19 to this loss of income, I had enjoyed years of
20 financial independence through a frugal lifestyle
21 as both a homeless person in Marin County and
22 as a Section 8-housed person in Alameda County.
23 Now my life is suddenly reduced to abject poverty
24 more closely resembling the lifestyle of the
25 non-entitled homeless, having to eat frequently
26 at free beaneries, and to ask my mother in Texas
27 to pay my rent. The drama exacerbated my psychological
28 dis-integration. At FIRST I felt paralyzed, friendless,

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1 and powerless, like a dalit in India.
2 I still worry that I should have reported to
3 Mr. Ferrando my 1969 federal charge for interna-
4 tional drug smuggling, even though at the time
5 JUDGE Reynaldo Garza assured me that I
6 would never have to report it to any authority
7 if I successfully completed probation [1972].
8 Now I spend 47% of my income to rent a
9 dilapidated hotel room with no Kitchen or private
10 bath.

11
12 VIII REMEDY. This petition is also for waiver
13 OF PENALTIES I MIGHT HAVE INCURRED prior to my
14 meeting with Mr. Ferrando, as well as waiver
15 of Penalties for my inadvertent misstatement to
16 him re car ownership.

17
18 IX REMEDY. THIS IS A PETITION FOR JUDICIAL REVIEW
19 OF THE DEMOGRAPHIC CHANGES SINCE THE INCEPTION
20 OF THE STATES-RIGHTS VARYING PAYMENTS MODIFICATION
21 LAWS WHICH MIGHT BE FOUND TO BE OBSOLETE AND
22 DELETERIOUS TO MANY RECIPIENTS, resulting as well
23 in the overcrowding of recipients into the few
24 "rich" States whose payments are commensurate
25 with the original federal sovereignty laws with
26 uniformity of benefits in all the States and
27 Territories.

X REMEDY. IF the Social Security offices in the rich states be staffed with draconian inquisitors, should disabled beneficiaries be subjected to their predatory manipulation, leading to their own indigence and further health decline? IF the MAJORITY OF The States have for so long failed to step up to the plate to adequately supplement the SSI program commensurate with the actual cost-of-living for those whose productive careers were cut too short for them to end up at retirement age with a paid-for domicile, does that failure not constitute lack of RATIFICATION as well as Non-Compliance with the spirit of the program? Why did not the designers of the states-rights legislation include ALL Social Security recipients, instead of just the disabled and disempowered?

XI REMEDY. MOST OF The Courts' RULES warn against the inclusion of legal arguments, but on page 20 of the April 2006 Handbook FOR LITIGANTS WITHOUT A LAWYER, the text seems to indicate that good faith arguments can be included. I stand with Bill Gates in his statement: "Men of good will foster plans of action for the aid and upliftment of humanity," not the senseless financial punishment of the most vulnerable and defenseless and prematurely disabled of qualified Social Security beneficiaries.

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1 It is great for a rich country to generously
2 provide peasant stew at the poorhouse
3 for the disenfranchised homeless, but the
4 decency and dignity of those who tried
5 longer and harder to have successful lives
6 are not served by the insults of
7 cheapstate state legislatures.
8

9 XII PLAINTIFF'S DECLARATION:

10 A. I understand that I must keep the Court informed
11 of my current mailing address, and that my failure
12 to do so may result in dismissal of this Complaint
13 without actual notice to me.

14 B. I declare under penalty of perjury that I am
15 the plaintiff in the above action, that I have
16 read the above complaint, and that the information
17 I have set forth within it is true and cor-
18 rect. 28 U.S.C. § 1746; 18 USC. § 1621.
19

20 Executed at Missoula, Montana on 29 MAY 2008.

21
22 Robert L. Nix
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*Nix: p. 8 of 11*June 7, 2007, 15:11
PAGE 1

RECIPIENT: [REDACTED] 1098 ROBERT EDGAR NIX

OF EVIDENCE

ROBERT EDGAR NIX
PO BOX 3225
SAN RAFAEL, CA 94912

REDETERMINATION SUMMARY FOR DETERMINING CONTINUING ELIGIBILITY
FOR SUPPLEMENTAL SECURITY INCOME PAYMENTS

On June 7, 2007, you, ROBERT EDGAR NIX, provided the following redetermination information to support ROBERT EDGAR NIX' continuing eligibility for Supplemental Security Income payments and any federally administered State supplementation under title XVI of the Social Security Act, for benefits under the other programs administered by the Social Security Administration, and where applicable, for medical assistance under title XIX of the Social Security Act. We have stored your redetermination electronically in our records.

What You Need To Do

- o Review this summary to ensure we recorded your statements correctly.
- o If you agree with all your statements, you should keep this summary for your records.
- o If you disagree with any of your statements, you should contact us within 10 days after the date of this summary to let us know.

o IDENTIFICATION

The recipient's name is ROBERT EDGAR NIX. His social security number is [REDACTED] 1098.

He is not blind.

He is disabled. His disability began on June 1, 1986.

He was not disabled prior to age 22.

He never was married.

o FUGITIVE FELON AND PAROLE OR PROBATION VIOLATION INFORMATION

The following statements describe ROBERT EDGAR NIX' fugitive felon/parole or probation violator status as of April 1, 2005.

- . He has not been accused or convicted of a felony or an attempt to commit a felony.

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RECIPIENT: [REDACTED] 098 ROBERT EDGAR NIX

OF EVIDENCE

He is not on parole or probation under Federal or State law.

o LIVING ARRANGEMENTS

He has not been outside the United States for a calendar month or 30 consecutive days since April 1, 2005.

He has not spent a calendar month in a hospital, nursing home, correctional facility, or any type of institution since April 1, 2005.

The following statements describe ROBERT EDGAR NIX' living arrangements as of April 1, 2005.

He began living at HOMELESS, SAN FRANCISCO, CA 94116 on April 1, 2000.

He does not get help or money from any person not living with him or any agency to pay for food, rent, mortgage payments, property insurance, property taxes, heating fuel, gas, electricity, garbage removal, water or sewerage.

He does not live anywhere permanently.

A person or agency does not give him food or shelter and does not pay his bills for these items.

He lives alone.

He does not need help in personal care, hygiene or upkeep of a home.

He does not have adequate cooking and food storage facilities.

There have not been any changes in his living arrangements.

He does not expect these arrangements to change.

o RESOURCES

He owns the following from April 1, 2005 to continuing:

Cash:

Value: \$96.00 From: June 2007 To: June 2007

Checking account:

Financial institution name: BANK AMERICA

Value: \$100.00 From: November 2003 To: continuing

Savings account:

Financial institution name: BANK AMERICA

Value: \$250.00 From: August 2006 To: continuing

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PAGE 3

RECIPIENT: [REDACTED] 098 ROBERT EDGAR NIX

OF EVIDENCE

He does not own any other type of resource.

o INCOME

This report of income is valid for any and all SSI claims in which he is involved.

He receives or expects to receive the following income from April 1, 2005 to continuing:

Social Security:

Amount \$488.00 monthly

From: April 2005 To: December 2005

Amount \$508.00 monthly

From: January 2006 To: December 2006

Amount \$525.00 monthly

From: January 2007 To: continuing

He does not receive any other type of income.

o MEDICAID

He may be eligible for Medicaid. However, he must help his State identify other sources that may pay for medical care. Also, he must give information to help the State get medical support for any child(ren) who are his legal responsibility. This includes information to help the State determine who a child's father is.

If he wants Medicaid, he must agree to allow his State to seek payments from sources, such as insurance companies, that are available to pay for his medical care. This includes payments for medical care for him or any person who receives Medicaid and is his legal responsibility. The State cannot provide him Medicaid if he does not agree to this Medicaid requirement. If he needs further information, he may contact his Medicaid agency.

o MEDICAL ASSISTANCE

I agree that any payments from sources responsible for paying for medical care will go to the State if Medicaid already has paid for this care.

He does not have any private, group or government health insurance that pays the cost of his medical care.

o REPRESENTATIVE PAYEE

My name is ROBERT EDGAR NIX. My social security number is [REDACTED] 1098.

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RECIPIENT: [REDACTED] 1098 ROBERT EDGAR NIX

OF EVIDENCEAddress: PO BOX 3225
SAN RAFAEL, CA 94912

Telephone: (415) 777-1204

o PERMISSION TO CONTACT FINANCIAL INSTITUTIONS FOR ROBERT EDGAR NIX

We have asked you for permission to obtain, from any financial institution, any financial record about you that is held by the institution. We will ask financial institutions for this information whenever we think it is needed to decide if you are eligible or if you continue to be eligible for SSI benefits. Once authorized, our permission to contact financial institutions remains in effect until one of the following occurs: (1) you notify us in writing that you are canceling your permission, (2) your application for SSI is denied in a final decision, or (3) your eligibility for SSI terminates. If you do not give or cancel your permission you will not be eligible for SSI and we will deny your claim or stop your payments.

I give SSA permission to contact any financial institution and request any financial records that financial institution may have about me.

IMPORTANT REMINDER

Penalty of Perjury

You declared under penalty of perjury that all the information on this summary is true and correct to the best of your knowledge. Anyone who knowingly gives a false or misleading statement about a material fact in a redetermination, or causes someone else to do so, commits a crime and may be sent to prison or may face other penalties, or both.

IMPORTANT INFORMATION--PLEASE READ CAREFULLY

You must report any change within 10 days after the end of the month it occurs. If you don't, a penalty amount may be deducted from the recipient's benefit.

We will check your statements and compare our records with records from other State and Federal agencies, including the Internal Revenue Service, to make sure the recipient is paid the correct amount.

If you have a question or something to report, call (415) 459-9850 and ask for Al Ferrando. If you call or visit our office, please have this summary with you. For general information about Social Security, visit our web site at www.socialsecurity.gov on the Internet.

You may come in person or mail your request to the Social Security Office:

SOCIAL SECURITY
3RD FLOOR
1001 LOOTENS PLACE
SAN RAFAEL CA 94901

AL Ferrando